

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PAUL CURTIS PEMBERTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-14-129-D
)	
ROBERT C. PATTON, et al.,)	
)	
Defendants.)	

ORDER

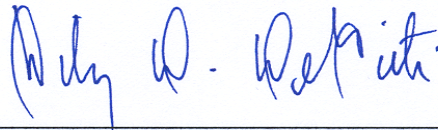
On April 29, 2016, the Court denied Plaintiff's Motion for Relief From Judgment, finding that Plaintiff failed to sufficiently plead any of the grounds for relief provided under Rule 60(b) of the Federal Rules of Civil Procedure [Doc. No. 92]. Plaintiff now moves the Court to reconsider its denial. Because Plaintiff appears pro se, the Court liberally construes his motion. *Mayfield v. Bethards*, 826 F.3d 1252, 1255 (10th Cir. 2016).

"Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice." *Servant of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (citing *Brumark Corp. v. Samson Resources Corp.*, 57 F.3d 941, 948 (10th Cir. 1995)). "Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law." *Id.* (citation omitted). A motion for

reconsideration is an inappropriate vehicle “to reargue an issue previously addressed by the court when the motion merely advances new arguments, or supporting facts which were available at the time of the original motion.” *Servants of Paraclete*, 204 F.3d at 1012 (citation omitted).

Plaintiff’s motion does what Tenth Circuit precedent prohibits; he repackages his prior arguments challenging the dismissal of his action and presents additional arguments that could have been raised earlier. Plaintiff has presented no grounds that warrant reconsideration of the subject order and the Court finds his Motion for Reconsideration [Doc. No. 93] should be **DENIED**. Plaintiff’s Motion for Judicial Notice [Doc. No. 94] is accordingly **DENIED** as moot.

IT IS SO ORDERED this 27th day of January, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE